

ORIGINAL

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT

for the

Central District of California

United States of America
v.Date of Previous Judgment: 10/29/2007
(Use Date of Last Amended Judgment if Applicable))
)
) Case No: CR 05-1049 ODW
) USM No: 33229-112
) Michael J. Treman
) Defendant's Attorney**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>32</u>	Amended Offense Level: <u>29</u>
Criminal History Category: <u>IV</u>	Criminal History Category: <u>IV</u>
Previous Guideline Range: <u>121</u> to <u>151</u> months	Amended Guideline Range: <u>100</u> to <u>125</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain):

Defendant was sentenced to the statutory minimum of 120 months which was just below the guidelines range. Technically, defendant was not sentenced to a term of imprisonment based upon a sentencing range that has been lowered by the Sentencing Commission.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 10/29/2007 shall remain in effect.

IT IS SO ORDERED.Order Date: 06/19/2008Effective Date: 06/19/2008
(if different from order date)

OTIS D. WRIGHT
 Judge's Signature

Otis D. Wright II, U.S. District Judge
 Printed name and title